IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 276 OF 2006
IN
SUIT NO. 1152 OF 1983

The Union of India and two others ..Appellants.

V/s.

M/s. National Containers Works,
Mumbai and Another. ..Respondents.

Ms. S.I. Shah for the Appellants.

Mr. M.L. Bansal for Respondent No.1.

Mr. N.H.Munjee i/by M/s. Mulla & Mulla for Respondent No.2.

CORAM : DR. S. RADHAKRISHNAN &
S. J. VAZIFDAR, JJ.

DATED : 20TH APRIL, 2006

PC :

1. Heard learned counsel for the Appellants and the Respondents.

2. Appeal is admitted.

3. The Learned counsel for the Respondents waives service.

4. By consent, the Appeal is taken up for final hearing.

5. By this Appeal, the Appellants challenge the judgment and order dated 7th July, 2005 passed by the learned Single Judge, being an exparte decree, for want of written statement under Order 8 Rule 10 of the Code of Civil Procedure.

6. By consent of both the parties, the impugned judgment and order dated 7th July, 2005, being exparte decree, stands set aside.

7. The original Suit No. 1152/1983 stands restored to the file only against original defendants Nos. 1 to 3, being the Appellants herein. The Appellants shall file written statement within a period of 12 weeks from today, subject to the condition that the Appellants shall pay costs, quantified at Rs. 20,000/- to the Respondents within a period of six weeks from today. The costs shall be condition precedent.

(Dr.S.Radhakrishnan,J)

20.4.2006

(S.J. Vazifdar, J)

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